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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No.: 2:15-mj-30-GWF  
vs. ) STIPULATION TO CONTINUE  
MICHAEL PETERSON, ) PRELIMINARY HEARING  
Defendants. ) (Fourth Request)

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IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United States Attorney; Allison L. Herr, Special Assistant United States Attorney, counsel for the United States of America and Rene L. Valladares, Federal Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for defendant MICHAEL PETERSON., that the preliminary hearing date in the above-captioned matter, currently scheduled for May 6, 2015 @ 2:00 pm, be vacated and continued for forty-five (45) days to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. The parties have reached a negotiated settlement but need time to finalize paperwork and schedule the matter for a plea.

1       2.     The defendant is incarcerated but does not object to the continuance.

2       3.     Additionally, denial of this request for continuance could result in a miscarriage  
3 of justice.

4       4.     The additional time requested herein is not sought for purposes of delay, but to  
5 allow for the parties an opportunity to swiftly resolve this matter.

6       5.     The additional time requested by this Stipulation is excludable in computing the  
7 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
8 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section  
9 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
10 3161(h)(7)(B), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

12       6.     This is the fourth request to continue the preliminary hearing.

13       DATED this 1st day of May, 2015.

14 DANIEL G. BOGDEN  
United States Attorney

RENE L. VALLADARES  
Federal Public Defender

16 By: /s/ Allison Herr  
ALLISON L. HERR  
17 Special Assistant United States Attorney

By: /s/ Raquel Lazo  
RAQUEL LAZO  
17 Assistant Federal Public Defender

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No.: 2:15-mj-30-GWF  
vs. ) FINDINGS OF FACT, CONCLUSION OF  
MICHAEL PETERSON, ) LAW AND ORDER  
Defendant. )

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. The parties have reached a negotiated settlement but need time to finalize paperwork and schedule the matter for a plea.

2. The defendant is incarcerated but does not object to the continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice.

4. The additional time requested herein is not sought for purposes of delay, but to allow for the parties an opportunity to swiftly resolve this matter.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section

1 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
2 3161(h)(7)(B), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

3 6. This is the fourth request to continue the preliminary hearing.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the  
6 public and the defendant since the failure to grant said continuance would be likely to result in a  
7 miscarriage of justice, would deny the parties herein sufficient time and the opportunity within  
8 which to prepare for preliminary hearing.

9 The continuance sought herein is allowed, with the defendant's consent pursuant to  
10 Federal Rules of Procedure 5.1(d).

11 **ORDER**

12 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for  
13 May 6, 2015 at the hour of 4:00 pm be vacated and continued to June 22, 2015 at  
14 the hour of 4:00 p.m.

15 DATED this 5th day of May, 2015.

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18 THE HONORABLE GEORGE W. FOLEY  
19 UNITED STATES MAGISTRATE JUDGE  
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